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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CENTER FOR BIOLOGICAL DIVERSITY

et al.,

Plaintiffs,

v.

MICHAEL S. REGAN, in his official capacity
as the Administrator of the United States
Environmental Protection Agency,

Defendant.

Case No. 3:20-cv-05436-EMC

**JOINT NOTICE TO COURT OF
STIPULATION TO MODIFY CONSENT
DECREE (DKT. NO. 44)**

Defendant Michael S. Regan, in his official capacity as the Administrator of the United States Environmental Protection Agency (hereinafter “EPA”), and Plaintiffs Center for Biological Diversity, Center for Environmental Health, and Sierra Club (collectively, “Plaintiffs”) file this stipulation notifying the Court that the parties have agreed to extend the deadline for final action on the nonattainment state implementation plan (“SIP”) for the 2010 sulfur dioxide National Ambient Air Quality Standards (“SO₂ NAAQS”) submitted by Alton Township, Illinois. The aforementioned deadline is set forth in Paragraph 1.a. of the Consent

Decree entered by the Court on June 25, 2021 (Dkt. No. 44). Paragraph 5 of the Consent Decree provides, inter alia, that “[t]he deadlines established by this Consent Decree may be extended (a) by written stipulation of Plaintiffs and EPA with notice to the Court” Consent Decree, ¶ 5;

WHEREAS, the Consent Decree provides that the appropriate EPA official shall “sign a notice of final rulemaking pursuant to CAA section 110(k)(2)-(4), 42 U.S.C. § 7410(k)(2)-(4), no later than March 1, 2022 to approve, disapprove, or conditionally approve, in full or in part, the nonattainment SIP that Alton Township, Illinois submitted to EPA on December 3, 2018 containing the following elements: (1) Attainment Demonstration; (2) Contingency Measures; (3) Emissions Inventory; (4) RACT/RACM; and (5) RFP, for the 2010 SO₂ NAAQS for the elements of CAA sections 172(c) and 192, 42 U.S.C. §§ 7502(c) and 7514a[.]” Consent Decree, ¶ 1.a.;

WHEREAS, EPA needs additional time in light of factual developments that have occurred since entry of the Consent Decree to sign a notice of final rulemaking to approve, disapprove, or conditionally approve, in full or in part, the nonattainment SIP submitted by Alton Township, Illinois; and

WHEREAS, the parties have agreed to an extension of the action in Paragraph 1.a. from March 1, 2022 to March 1, 2023;

NOW THEREFORE, Plaintiffs and EPA hereby stipulate as follows:

1. EPA’s deadline to perform the action described in Paragraph 1.a. of the Consent Decree (Dkt. No. 44, ¶ 1.a.) is extended to March 1, 2023.

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1 Respectfully submitted,
2 Date: January 4, 2022

/s Robert Ukeiley (email auth. 12/15/2021)

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